

FILED BY *clg* D.C.  
05 JUN 23 PM 4:44

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY *lsh* D.C.  
05 JUN -9 PM 2:44

PHILLIP E. BOYNTON, CLARENCE W.  
BOYNTON, NORMA ANN LOGAN,  
BENELDA J. WESTFALL, SHANNON  
NONN, AARON SCOTT BERNARD,  
ALAN F. BERNARD, LINDA R.  
BERNARD, and DAVID ALLEN  
BERNARD,

Plaintiffs,

vs.

HEADWATERS, INC., f/k/a/ Covol  
Technologies, Inc., and JAMES G.  
DAVIDSON,

Defendants

ROBERT R. DI TROLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

Robert R. Di Trollo  
CLERK U.S. DIST. CT.  
W.D. OF TN. MEMPHIS

Civil Action No. 1-02-1111-Ma/A

MOTION GRANTED

*Jon Phipps McCalla*  
JON PHIPPS McCALLA  
U.S. DISTRICT JUDGE  
*June 23, 2005*  
DATE

**JOINT STIPULATION AND REQUEST TO EXTEND THE MEDIATION  
DEADLINE UNTIL JULY 17, 2005**

On April 24, 2005, the Court issued an order requiring Court Annexed Mediation (Docket Entry No. 354) (the "Mediation Order"). The Mediation Order states that the mediation should be conducted prior to June 17, 2005 ("Mediation Deadline"). The three parties involved in the above-captioned matter have consulted, have selected a private court-certified mediator, Allen S. Blair (who plans to mediate this matter according to his normal fee schedule), and have endeavored to schedule a mediation date prior to the Mediation Deadline but have been unable to do so in light of conflicting schedules among the attorneys and their party representatives. The earliest date that the mediator, the parties, and the party representatives are available to mediate is Wednesday, July 6, 2005. The parties therefore stipulate through the signatures of their counsel and jointly request that the Court extend the Mediation Deadline 30 days, until July 17, 2005 to accommodate the parties' schedules and to provide some additional flexibility in scheduling the mediation should any complications arise.

Dated: June 6, 2005.

For the Plaintiffs, Philip E. Boynton, *et al.*:

By: Jeffrey Greene *of permission*  
Jeffrey A. Greene, Esq.  
**JEFFREY A. GREENE, P.C.**  
One Burton Hills Blvd., Suite 330  
Nashville, Tennessee 37215  
Tel: (615) 324-4020; Fax: (615) 324-4021

For the Defendant, James Gary Davidson:

By: Brian Davis *of permission*  
Brian L. Davis, Esq.  
**DAVIS LAW FIRM, P.C.**  
5185 Getwell Road  
Southaven, Mississippi 38671  
Tel: (662) 393-8542; Fax: (662) 393-9904

For the Defendant, Headwaters, Incorporated:

By: Joseph Pia  
Joseph Pia (Admitted *Pro Hac Vice*)  
**WORKMAN NYDEGGER**  
1000 Eagle Gate Tower, 60 East South Temple  
Salt Lake City, Utah 84111  
Tel: (801) 321-8800; Fax: (801) 328-1707



## Notice of Distribution

This notice confirms a copy of the document docketed as number 362 in case 1:02-CV-01111 was distributed by fax, mail, or direct printing on June 27, 2005 to the parties listed.

---

Brian L. Davis  
LAW OFFICE OF BRIAN DAVIS  
919 Ferncliff Cove  
Suite 1  
Southaven, MS 38671

Joseph G Pia  
WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111

Greg Oakley  
SMALL SOPER & OAKLEY  
One Burton Hills Blvd.  
Ste. 330  
Nashville, TN 37215

Larry R. Laycock  
WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111

Jeffrey A. Greene  
One Burton Hills Blvd  
Ste 330  
Nashville, TN 37215

R. Parrish Freeman  
WORKMAN NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111

David R. Wright  
WORKMAN NYDEGGER & SEELEY  
100 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111

Edwin E. Wallis  
MOSS BENTON & WALLIS, PLLC  
325 N. Parkway  
P.O. Box 3897  
Jackson, TN 38303--389

Charles J. Veverka  
WORKMAN NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111

Honorable Jon McCalla  
US DISTRICT COURT